

Introduced by Senator Wolk

February 27, 2015

An act to add Section 6903 to the Labor Code, relating to railroads.

LEGISLATIVE COUNSEL'S DIGEST

SB 730, as introduced, Wolk. Railroads: movement of freight: trains or light engines: crew size.

The existing Federal Railroad Safety Act (FRSA) authorizes the Secretary of Transportation to prescribe regulations and issue orders for railroad safety and requires the Secretary of Homeland Security, when prescribing a security regulation or issuing a security order that affects the safety of railroad operations, to consult with the Secretary of Transportation. The FRSA provides that to the extent practicable, laws, regulations, and orders related to railroad safety and security are required to be nationally uniform, but authorizes a state to adopt or continue in force a law, regulation, or order related to railroad safety or security until the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters), prescribes a regulation or issues an order covering the subject matter of the state requirement.

Under existing law, the Public Utilities Commission has enforcement authority over specified provisions relating to safeguards on railroads. Under existing law, a violation of those specified provisions is a crime.

This bill would prohibit, on and after February 1, 2016, a train or light engine used in connection with the movement of freight, as specified, from being operated unless it has a crew consisting of at least 2 individuals. The bill would authorize the Public Utilities Commission to assess civil penalties against any person who willfully violates this provision, as specified.

Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6903 is added to the Labor Code, to read:
2 6903. (a) Effective February 1, 2016, a train or light engine
3 used in connection with the movement of freight shall not be
4 operated unless it has a crew consisting of at least two individuals.
5 (b) For purposes of this section, the term “train or light engine
6 used in connection with the movement of freight” shall not include
7 hostler service or utility employees.
8 (c) The Public Utilities Commission may assess civil penalties
9 against any person who willfully violates this section, according
10 to the following schedule:
11 (1) A civil penalty of two hundred fifty dollars (\$250) to one
12 thousand dollars (\$1,000) for the first violation.
13 (2) A civil penalty of one thousand dollars (\$1,000) to five
14 thousand dollars (\$5,000) for the second violation within a
15 three-year period.
16 (3) A civil penalty of five thousand dollars (\$5,000) to ten
17 thousand dollars (\$10,000) for the third violation and each
18 subsequent violation within a three-year period.
19 (d) The remedies available to the commission pursuant to this
20 section are nonexclusive and do not limit the remedies available
21 under all other laws or pursuant to contract.
22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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